

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PROCESS TO LOG
EXEMPLAR MATERIALS FROM
FACEBOOK'S APP DEVELOPER
INVESTIGATION**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on July 13, 2020, the Court ordered the parties to develop a methodology for Facebook to log a sample set of materials from its App Developer Investigation (“ADI”) over which Facebook asserts a claim of privilege;
2. Whereas, the parties have met and conferred extensively and exchanged numerous proposals to develop such a methodology;
3. Whereas, on July 22, Plaintiffs provided Facebook with a detailed written proposal to identify a subset of documents related to Facebook’s ADI;
4. Whereas, on August 31, after additional meet and confers, Facebook provided Plaintiffs a detailed written proposal outlining a comprehensive plan for Facebook to log exemplar materials;
5. Whereas, on September 3, Plaintiffs provided Facebook a counterproposal;
6. Whereas, on September 8, the Court issued a written order requiring the parties to enter a stipulation by September 11, 2020, detailing the process for addressing the privileged materials that Plaintiffs seek from Facebook’s ADI;
7. Whereas, on September 9, Facebook provided Plaintiffs a revised proposal in response to Plaintiffs’ counterproposal;
8. Whereas on September 11, following an additional meet and confer, Facebook provided Plaintiffs a further revised proposal;
9. Whereas, on September 11, Plaintiffs accepted the process outlined in Facebook’s further revised proposal, the agreed-upon portions of which are attached as **Exhibit A**.

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. By September 16, 2020, Plaintiffs will identify five apps from the lists of apps set forth on **Exhibit A**, consistent with the process identified in **Exhibit A**.

2. Facebook will thereafter begin collecting and searching for responsive documents, consistent with the process identified in **Exhibit A**.

3. Because Facebook will not know the volume of documents that will be collected and logged until after Plaintiffs identify exemplar apps, the parties agree that they will be prepared to stipulate by September 25, 2020 (the next Discovery Conference) to a timetable for the production of logs of ADI materials related to the apps identified by Plaintiffs. The parties will thereafter work cooperatively to develop a reasonable timetable for privilege challenges and potential briefing to the Court.

Dated: September 11, 2020

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By: /s/ Derek W. Loeser
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: September 24, 2020

